

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

BIOGEN INTERNATIONAL GMBH)	
and BIOGEN MA INC.,)	
Plaintiffs,)	Civil Action No. 1:17-cv-116-IMK
v.)	
MYLAN PHARMACEUTICALS INC.,)	
Defendant.)	

STIPULATION AND ORDER OF PARTIAL DISMISSAL WITH PREJUDICE

Plaintiffs Biogen International GmbH and Biogen MA Inc. (“Biogen”) and Defendant Mylan Pharmaceutical Inc. (“Mylan”) hereby stipulate, subject to the approval of the Court, and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and 41(c), to dismissal, with prejudice, of the following claims, counterclaims and affirmative defenses pled in Civil Action No. 17-cv-116:

- (i) Biogen’s claims regarding U.S. Patent Nos. 6,509,376 (“the ’376 patent”), 7,320,999 (“the ’999 patent”), 7,803,840 (“the ’840 patent”), and 8,759,393 (“the ’393 patent”);
- (ii) Defendants’ affirmative defenses regarding the ’376 patent, the ’999 patent, the ’840 patent, and the ’393 patent;
- (iii) Defendants’ counterclaims regarding the ’376 patent, the ’999 patent, the ’840 patent, and the ’393 patent; and
- (iv) Biogen’s affirmative defenses to Defendants’ counterclaims regarding ’376 patent, the ’999 patent, the ’840 patent, and the ’393 patent.

It is further stipulated that each party bears its own fees and expenses with respect to this dismissal with prejudice.

Biogen and Mylan maintain their respective claims, counterclaims and affirmative defenses as to U.S. Patent Nos. 7,619,001 (“the ’001 patent”) and 8,399,514, (“the ’514 patent”), which shall not be impacted by the foregoing dismissals with prejudice. No party’s execution of this stipulation shall have any effect on arguments or issues in this case.

The Court will retain jurisdiction to enforce this Order.

ENTERED this 5th day of February 2019.



IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

DATED: February 4, 2019

Respectfully submitted,

SCHRADER COMPANION DUFF & LAW, PLLC

STEPTOE & JOHNSON, PLLC

/s/ James F. Companion

James F. Companion (#790)
401 Main Street
Wheeling, WV 26003
Phone: (304) 233-3390
jfc@schraderlaw.com

/s/Gordon H. Copland

Gordon H. Copland (#828)
William J. O’Brien (#10549)
400 White Oaks Blvd.
Bridgeport, WV 26330
Phone: (304) 933-8000
gordon.copland@steptoe-johnson.com
william.obrien@steptoe-johnson.com

*Counsel for Plaintiffs Biogen International
GmbH and Biogen MA Inc.*

*Counsel for Defendant Mylan Pharmaceuticals Inc.
Of Counsel:*

Of Counsel:

James B. Monroe
Li Feng
Sanya Sukduang
Paul W. Browning
Andrew E. Renison

Shannon M. Bloodworth
Brandon M. White
Perkins Coie LLP
700 13th Street, NW, Ste. 600
Washington, DC 20005
202-654-6200

Jeanette M. Roorda
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Ave., N.W.
Washington, D.C. 20001
(202) 408-4000
james.monroe@finnegan.com
li.feng@finnegan.com
paul.browning@finnegan.com
sanya.sukduang@finnegan.com
andrew.renison@finnegan.com
jeanette.roorda@finnegan.com

SBloodworth@perkinscoie.com
BMWhite@perkinscoie.com

David L. Anstaett
Perkins Coie LLP
1 East Main St., Ste. 201
Madison, WI 53703
(608-663-7460)
DAnstaett@perkinscoie.com

Courtney M. Prochnow
Perkins Coie LLP
1888 Century Park East, Ste. 1700
Los Angeles, CA 90067
(310) 788-9900
CProchnow@perkinscoie.com

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of February 2019, I filed the foregoing STIPULATION AND ORDER OF PARTIAL DISMISSAL WITH PREJUDICE with the Clerk of the Court using the CM/ECF system, which will send electronic notification of the same to the following counsel of record:

Andrew E. Renison
Andrew.renison@finnegan.com
James B. Monroe
james.monroe@finnegan.com
Li Feng
li.feng@finnegan.com
Sanya Sukduang
sanya.sukduang@finnegan.com
Jeanette M. Roorda
jeanette.roorda@finnegan.com
Paul W. Browning
Paul.browning@finnegan.com
**Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP**
901 New York Ave., NW
Washington, DC 20001

James F. Companion
jfc@schraderlaw.com
Schrader Companion Duff & Law, PLLC
The Maxwell Centre, Suite 500
32 – 20th Street
Wheeling, WV 26003

Attorneys for Plaintiffs

Dated this 4th day of February 2019

/s/ Gordon H. Copland

Gordon H. Copland, Esquire (WV Bar # 828)
gordon.copland@steptoe-johnson.com
Steptoe & Johnson, PLLC
400 White Oaks Blvd.
Bridgeport, WV 26330
Phone: (304) 933-8000